

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CRYSTALLEX INTERNATIONAL CORP.,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Case No. 1:17-mc-00151-LPS

ALTANA CREDIT OPPORTUNITIES FUND SPC,
ALTANA CREDIT OPPORTUNITIES FUND 1 SP,
and ALTANA FUNDS LTD. CAYMAN,

Plaintiffs,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Case No. 1:23-mc-00608-LPS

STIPULATION AND ORDER TO INCORPORATE RELATED BRIEFING

WHEREAS, on December 21, 2023, Altana Credit Opportunities Fund SPC, Altana Credit Opportunities Fund 1 SP, and Altana Funds Ltd. Cayman (“Plaintiffs”) filed their motion for a writ of attachment (“Attachment Motion”) in the matter styled *Altana Credit Opportunities Fund SPC, et al. v. Bolivarian Republic of Venezuela*, Misc. 23-608-LPS (the “*Altana Matter*”) (*Altana Matter*, D.I. 3), supporting materials (*Altana Matter*, D.I. 4, 7), and the Motion for Extension of Deadlines for Submission of Attached Judgment Statement and Status Summary (the “*Extension Motion*”) was filed in the *Altana Matter* and in the matter styled *Crystallex International Corporation v. Bolivarian Republic of Venezuela*, Misc. 17-151-LPS matter (the “*Crystallex Matter*”);

WHEREAS, on March 23, 2023, this Court issued its decision in a related action, *OI Eur. Grp. B.V. v. Bolivarian Republic of Venezuela*, No. 19 Misc. 290, 2023 WL 2609248 (D. Del. Mar. 23, 2023) (“*OIEG I*”), in which the Court held that Petróleos de Venezuela, S.A. (“PDVSA”) did not enjoy immunity under the Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1602, et seq. (the “FSIA”);

WHEREAS, in *OI Eur. Grp. B.V. v. Bolivarian Republic of Venezuela*, 73 F.4th 154 (3d Cir. 2023) (“*OIEG II*”), the United States Court of Appeals for the Third Circuit affirmed this Court’s order in *OIEG I* denying sovereign immunity under the FSIA, and declined to review other issues regarding the attachment of the PDV Holding, Inc. (“PDVH”) shares;

WHEREAS, in *OIEG I* and the Orders that followed (e.g., No. 19 Misc. 290, D.I. 132), this Court conditionally granted the motions for writs of attachment filed by six judgment creditors of the Bolivarian Republic of Venezuela (“Venezuela” or “Republic”) for attachment of PDVSA’s shares of PDVH and denied the cross-motions to dismiss filed by PDVSA;

WHEREAS, other such actions include, but are not limited to, (1) *Tidewater Investment SRL and Tidewater Caribe S.A.*, Misc. No. 19-79; (2) *Contrarian Capital Management, L.L.C.*, *Contrarian Capital Fund I, L.P.*, *Contrarian Dome du Gouter Master Fund, LP*, *Contrarian Capital Senior Secured, L.P.*, *Contrarian EM II, LP*, *Contrarian Emerging Markets, L.P.*, *Boston Patriot Summer St LLC*, *Polonius Holdings, LLC*, *Emma I Master Fund, L.P.*, *Contrarian Funds, L.L.C.*, and *EI SP*, Misc. Nos. 21-18, 22-131, and 22-263; (3) *Valores Mundiales, S.L. and Consorcio Andino, S.L.*, Misc. No. 23-298; (4) *Pharo Gaia Fund Ltd.*, *Pharo Macro Fund Ltd.*, and *Pharo Trading Fund, Ltd.*, Misc. Nos. 23-360 and 23-361; (5) *Rudi Lovati and Alessandro Lucibello Piani*, Misc. No. 23-340; (6) *Gramercy Distressed Opportunity Fund LLC*, Misc. Nos. 23-378 and 23-379; and (7) *Saint-Gobain Performance Plastics Europe*, Misc. No. 23-397

(collectively, the “Similar Actions”), in which, the Court also conditionally granted the creditors’ motions for a writ of attachment *feri facias* in the Similar Actions in an opinion dated November 1, 2023; and

WHEREAS, the Parties wish to avoid the burden and expense for themselves and the Court of litigating issues that have already been resolved by this Court, in actions including the Similar Actions and *OIEG I*;

IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court:

1. All arguments set forth in the briefing by the parties in the Similar Actions shall be incorporated by the parties to this action into any opposition to the Attachment Motion filed by any or all of the Venezuela Parties and any reply in further support of the Attachment Motion filed by Plaintiffs.

2. The Venezuela Parties right to appeal any of the issues decided in any of the related actions, including the Similar Actions, and Plaintiffs’ arguments in opposition to any such appeal, are expressly preserved.

3. The Parties may brief any issues specific to the claims made in the Attachment Motion filed in the *Altana* Matter according to the schedule entered by Court.

/s/ Stephen B. Brauerman

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*Attorneys for PDV Holding, Inc., and
CITGO Petroleum Corporation in the
Crystallex Action*

Dated: January 12, 2024

SO ORDERED this _____ day of _____, 2024.

Judge Leonard P. Stark